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Attorney for Plaintiff  
PATRICIA CLAIRE BANKSTON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

PATRICIA CLAIRE BANKSTON,  
Plaintiff,

v.

PATENAUDE & FELIX, A  
PROFESSIONAL CORPORATION, a  
California corporation, and RAYMOND  
ALCIDE PATENAUDE, individually and in  
his official capacity,  
Defendants.

Case No. C07-03396-JW-PVT

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

Date: January 14, 2008  
Time: 9:00 a.m.  
Judge: Honorable James Ware  
Courtroom: Courtroom 8, 4th Floor  
Place: 280 South First Street  
San Jose, California

TO: ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on January 14, 2008, at 9:00 a.m., or as soon thereafter as this matter may be heard, in Courtroom 8 of the United States District Court located at 280 South First Street, San Jose, California, before the Honorable James Ware, United States District Judge, Plaintiff, PATRICIA CLAIRE BANKSTON ("Movant"), will move the Court for an Order: 1) granting summary judgment and declaration as a matter of law, that Defendants' collection letter (Exhibit "1") violates the Fair Debt Collection Practices Act (hereinafter "FDCPA"), 15 U.S.C. §§ 1692e, 1692e(10), 1692g(a)(4) and 1692g(a)(5); 2) awarding Plaintiff statutory damages in an amount not exceeding \$1,000 pursuant to 15 U.S.C. § 1692k(a)(2)(A); 3) awarding Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k(a)(3); and 4) awarding Plaintiff such other and further relief as may be just and proper.

1 This motion is made pursuant to Fed. R. Civ. P. 56 and Civil L.R. 7-2 on the grounds that  
2 there no material issues of fact in dispute concerning Defendants' liability, therefore, Movant is  
3 entitled to summary judgment as a matter of law.

4 This motion is based on this Notice, the Motion for Summary Judgment, the Memorandum  
5 of Points and Authorities in Support of Motion for Summary Judgment, the Declaration of Patricia  
6 Claire Bankston in Support of Motion for Summary Judgment, the Declaration of Fred W. Schwinn  
7 in Support of Motion for Summary Judgment, and such other evidence, argument, and authorities  
8 which may be presented at or prior to the hearing before this Court on this Motion, and such other  
9 and further matters of which this Court may take judicial notice.

10 Please govern yourself accordingly.

11  
12 CONSUMER LAW CENTER, INC.

13  
14 Dated: December 10, 2007

By: /s/ Fred W. Schwinn  
Fred W. Schwinn, Esq.  
Attorney for Plaintiff  
PATRICIA CLAIRE BANKSTON